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PTO/SB/30 (09-04)

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JAN 14 2005

**Request
For
Continued Examination (RCE)
Transmittal**

Address to:
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Alexandria, VA 22313-1450

<u>Application Number</u>	09/973,994
<u>Filing Date</u>	October 11, 2001
<u>First Named Inventor</u>	CAIRNEY, John
<u>Group Art Unit</u>	1631
<u>Examiner Name</u>	LY, Cheyne D.
<u>Attorney Document Number</u>	GTRC156

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2..

1. **Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.
 - i. Consider the amendments in the Appeal Brief or Reply Brief previously filed on _____
 - ii. Other _____
 - b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____
2. **Miscellaneous**
 - a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 - b. Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
 - a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 20-1507
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
 - b. Check in the amount of \$ 455.00 enclosed
 - c. Payment by credit card (Form PTO-2038 enclosed)

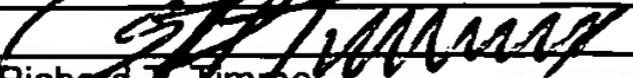
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	January 14, 2005
Name (Print/Type)	Ryan A. Schneider	Registration No. (Attorney/Agent)	45,083

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	January 14, 2005
Name (Print/Type)	Richard F. Timmer	Date	January 14, 2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent
Customer No.: 006980
Docket No.: GTRC156

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	Confirmation No.:	5951
)		
CAIRNEY, J. et al.)	Group Art Unit:	1631
)		
Serial No.: 09/973,994)	Examiner:	Ly, Cheyne D.
)		
Filed: 11 October 2001)		
)		
For: DIFFERENTIALLY EXPRESSED)		
CONIFER cDNAs, AND THEIR USE IN)		
IMPROVING SOMATIC EMBRYOGENESIS)		

RESPONSE AND AMENDMENT WITH RCE

Mail Stop RCE
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Atlanta, GA 30308-2216
14 January 2005

Sir:

The *Office Action* from Examiner Cheyne D. Ly of Art Unit 1631, dated 15 September 2004, has been received and carefully reviewed. In response thereto, Applicant respectfully submits an RCE, requesting entrance of the present *Response and Amendment with RCE*.